

REMARKS

Status of the Claims

The Office Action mailed July 28, 2009 noted that claims 1, 2, 4, 5, 7-10 and 12-16 were pending and rejected all claims. Claims 1, 2, 4, 7 and 8 are amended. No claims are cancelled. No new claims are added. No new matter is believed to be presented.

It is respectfully submitted that claims 1, 2, 4, 5, 7-10 and 12-16 are pending and under consideration.

Applicants thank the Examiner for the Personal Interview of January 12, 2010 and incorporate the substance of the Interview herein.

Rejection under 35 U.S.C. § 112

The Office Action, on page 3, rejected claims 1, 2, 4, 5, 7-10 and 12-16 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. This rejection is respectfully traversed below.

"The test for definiteness under the second paragraph of 35 U.S.C. § 112 is whether 'those skilled in the art would understand what is claimed when the claim is read in light of the specification.'" *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 806 F.2d 1565, 1576, 1 USPQ2d 1081, 1088 (Fed. Cir. 1986). Applicants note that the rejection under 35 U.S.C. § 112, second paragraph refers to claim features which were previously pending before the Office but which only now have been found to be indefinite. Thus, the rejection beginning on page 3 of the Office Action under 35 U.S.C. § 112, second paragraph, appears to be related to the Examiner's first opportunity to consider the claims, having been newly assigned to examine the Application and the rejection appears to be a request for more information to better examine the Application.

If the claims were believed to be previously indefinite, a rejection should have been raised by the Office in an earlier Action to advance compact prosecution as specifically noted in MPEP 707.07(g): "[m]ajor technical rejections on grounds such as lack of proper disclosure, lack of enablement, serious indefiniteness and *res judicata* should be applied where appropriate even though there may be a seemingly sufficient rejection on the basis of prior art." Unfortunately, Applicants have been unfairly burdened by the rejections which should have been raised in an earlier Office Action, but in an effort to advance prosecution, Applicants amended claims 1, 2, 4, 7 and 8 to clarify claim features based on discussion during the personal interview held January 12, 2010.

With respect to claim 10, claim 7 recites "a trade finance interface" and thus claim 10 does not lack antecedent basis. Claims 12-16 also do not lack antecedent basis because they also depend upon claim 7, which recites "a trade finance interface."

If any indefinite issues remain, the Examiner is respectfully requested to telephone the undersigned.

Summary

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: 1-28-10

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